



April 18, 2011

To: Mr. Tom Sinclair, BCDC Coastal Program Analyst  
50 California Street, Suite 2600  
San Francisco, CA 94111

From: Mark Sanders, President,  
Westpoint Harbor LLC

Reference: Travis letter of April 11, 2011 to Westpoint Harbor

Subject: **Your visit to Westpoint Harbor on April 17, 2011**

Dear Tom:

First of all I want to thank you for the positive and constructive meeting yesterday at Westpoint Harbor. Your helpful approach was refreshing, and hopefully it was useful to see what stage of development the project is at, and valuable for me to better understand how BCDC works.

You know I was very discouraged by the referenced letter which made allegations about "violations of the McAteer-Petris Act", yet provided no specific details about what the alleged violations actually are. This frustrated any action I could take or information I might provide to clarify the situation. Fortunately you addressed several of the issues, and to continue on that positive tack I am providing additional information for your review.

1. **"Failure to obtain final plan approval and authorization for development already undertaken".**

Four drawing packages control all development on the site. They were approved by BCDC as well as DRB and were updated for the three amendments. First is the **"Site Preparation"** package which details the wicking process, levee construction, access roads, basin excavation, channel dredging, construction of uplands areas using excavated material,



installing rip-rap, and the launch ramp (completed before the basin was flooded). These tasks are essentially complete.

The second drawing package is **"Westpoint Harbor Marina and Boatyard Phase 1"**. This covers utilities to the marina docks, permanent roads and parking, irrigation and footpaths, streetlights, and the gangway abutments. This is 80% complete.

The third package is **"Westpoint Marina"**. This controls the floating dock system together with dock utilities, dock boxes, lighting, piles and pile guides. This is 60% complete.

The last drawing package is the **"Harbor House Building"**. This contains all construction details for the harbor house, laundry room, restrooms and showers, and is virtually complete.

These drawing packages are unchanged after several years, and BCDC sent letters explaining it lacked the staff to review the designs and it is my responsibility to insure compliance. All our contractors use these documents, so I can't explain the "unpermitted construction" or "failure to obtain approval" comments, since only approved items were constructed.

2. **"Staff has conducted prior inspections and informed me specifically the project...is not in compliance".**

There were three visits by BCDC staff in addition to your visit yesterday. The first was by Brad McCrea last year. His visit was very pleasant and we toured the facility and discussed progress to date and plans for completion. Brad was complimentary about the high quality of the project and said Westpoint was one of the nicest harbors he had seen. It was an upbeat meeting and he made no negative comment as described in the referenced letter.

The second visit was by Adrienne Klein, who toured our new harbor office and the marina docks. Adrienne complained about signage at the entrance, especially those restricting access to the retail area which will eventually have the yacht club, restaurant, coffee shop and other water-oriented businesses. I explained this restriction was a condition of our Use Permit from Redwood City. The City's Engineering, Fire, Permits and Planning departments inspected the facility and imposed most of the restrictions for safety reasons: the area is unlit, lacks fire protection, and is uneven terrain with open trenches, projecting pipes, and soft/wet areas. Adrienne offered BCDC help "to force the City to open these areas" but I said this would be a mistake as the area *really is* unsafe and the liability enormous.





Adrienne also discussed live-aboard berths, which we limit to 10%. I told her we've added one boat per week since opening the first dock two years ago, and get 3 or 4 live-aboard applications per week. She suggested boaters with a land address aren't live-aboards in the eyes of BCDC, and I could add more. I explained our policy is straightforward--if a boater regularly stays on a boat more than 3 days per week they're a live-aboard, regardless of property they may have. Beyond this she made *no* mention of "failures" as stated in the letter.

The third visit was by Adrienne and yourself. It was a holiday and I was away with family, but two volunteers in the office (Connie Dancaster and Sherry Smith) recall the visit and report no comments made about violations.

3. **"You have had ample time to rectify the violations by now".**

Tom, I'm not sure how to respond to this. BCDC sent no letter, email or other formal notification of alleged violations. The statement that I was verbally informed of violations during an (unscheduled) visit is simply untrue.

4. **"Unlawful obstruction of designated public access".**

The public access areas now open are the main roadway and foot paths from Seaport Boulevard to the harbormaster building, and connecting paths to the docks, parking and guest docks. As previously mentioned, Phase 2 and 3 areas are closed (and signed "*Danger No Trespassing*") as required by Redwood City. On these unimproved areas the only activity is installation of utilities, paths and landscaping. We've constructed much of the additional public access paths but cannot open them. The south side of the property faces a Cargill pond and is restricted by a license agreement with Cargill as well as the BCDC permit. The three gates blocking paths to and from the marina are on Cargill property.

The only road to Westpoint Harbor is via Pacific Shores Center and most traffic (car, bike and pedestrian) is marina members and their guests, together with visiting boaters checking out the harbor. We do have visitors who happen by the harbor (sometimes mistaking the harbor house for restaurant) or jogging around PSC, but this is uncommon since we're not on the way to anywhere else.

We *do* have difficulty with off-road vehicles, bikers, shooters, runners, and others who are attracted to Phase 1 and 2 areas *because* they're uneven and muddy. It's dangerous sport and often destructive, and we have chased motorcyclists off the docks, people attempting to board



and even enter boats, and dogs left to run on Cargill levees and ponds. It's our live-aboard boaters who report most of these problems, and a few people become indignant and even aggressive, insisting the marina is legal public access to Cargill salt ponds. As I mentioned, several claimed they represent some agency (like Coastal Commission) and have Cargill permission to go on their property. In no case did this turn out to be true.

**5. Failure to construct and/or install facilities required by the amended permit".**

This may reflect a lack of understanding of the project and its timing. Site Preparation is 95% complete, lacking only grading of the boatyard. The building is essentially complete. The other Phase 1 items (utilities, paths, landscaping, lights) are 80% done and the floating docks are 60% complete. Obviously some permit items are unfinished, and the construction order is driven by engineering considerations.

Looking forward, the remainder of Phase 1 utilities will be completed in June, after which parking, irrigation, more landscaping, roads, lighting and paths can be started. When completed we can sign off the City's Phase 1 permit and proceed to the next phase, and I expect the City will let us open more paths. It's important to note the public access elements of the project are well ahead of the rest of Phase 1.

**6. "Non-compliance with special conditions".**

We use BCDC's "Checklist for Permit Compliance" to track progress. We found a some checklist requirements out of sequence (especially in Amendment 3) and coordinated with Andrea Gaut, Brad McCrea and Jonathan Smith to handle these hiccoughs as they arose (via email as you will see as you review the files). For example, temporary restroom buildings without water, sewer, or power connections (or even docks for the restrooms to serve) are impractical. Similarly, overlooks in the boatyard area can't be built until the boatyard is designed in Phase 2.

Tom, I am determined to build the best, greenest and most environmentally thoughtful marina on the Pacific Coast. We offer the only big-boat guest docks in the South Bay, and host Stanford University's annual Triathlon, the America's Cup electronic test program, the Sea Scouts, NOAA, YRA, USGS, PG&E, and the Aqua-Terra and Spartina Projects. We provide berthing for local fire department and police boats, Stanford Masters Rowing, and a host of other water-oriented organizations, as well as guest berthing for many clubs in the Bay. We have received many awards and commendations for design excellence and public support.



I trust these comments are helpful,

Sincerely,

mark